



U.S. Department of Justice

United States Attorney
Southern District of New YorkThe Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

June 12, 2009

SO ORDERED:
George B. Daniels, U.S.D.J.

Dated: JUN 15 2009

By FacsimileThe Honorable George B. Daniels
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007Re: Duwayne John v. United States of America,
09 cv 3116/ 03 Cr. 140 (GBD)

Dear Judge Daniels:

The Government respectfully writes to request two additional months to respond the defendant's motion to vacate, set aside or correct his sentence pursuant to Title 28, United States Code, Section 2255. Your Honor had previously ordered the Government to submit its response on June 13, 2009, sixty days after Your Honor's April 14, 2009 Order. The Government requests this additional time in light of the fact that the defendant was convicted after trial, and has raised claims of ineffective assistance of counsel based on his counsel's supposed failure to investigate the case, failure to fully participate in the trial and an alleged conflict of interest between the defendant and his counsel. The defendant also alleges ineffective assistance of counsel on appeal. In light of these claims, and the need to review both the trial record and the submissions on appeal, the Government respectfully requests this additional time. Furthermore, the undersigned, who did not represent the Government at trial in this case, will be begin a trial before the Honorable Deborah A. Batts on July 7 that is expected to last approximately six weeks, and thus requests until August 12, 2009 to file the Government's response.

Respectfully submitted,

LEV L. DASSIN
Acting United States Attorney

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cc: Duwayne John (Via mail)

TOTAL P.02